

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicant:</b> DAVID HOHL, ET AL	<b>Examiner:</b> REGINA LIANG
<b>Serial No.:</b> 10/008,472	<b>Group Art Unit:</b> 2674
<b>Filed:</b> November 9, 2001	
<b>For:</b> ALPHANUMERIC KEYPAD AND DISPLAY SYSTEM AND METHOD	<b>Docket No.</b> LSI0113/US (Formerly LIFE-052)

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*Mary C. Deutsch*  
Mary C. Deutsch

**REQUEST FOR REFUND**

Dear Sir or Madam:

On December 6, 2005, we filed a Supplemental Information Disclosure Statement for the above-captioned matter. Subsequently our Deposit Account 50-1775 was charged a fee of \$180.00. We believe that this charge was made in error.

Under 37 C.F.R. § 1.97(e)(1), I hereby certify that each item of information contained in the Supplemental Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the Statement. A copy of the Austrian Written Opinion dated September 23, 2005 is attached for your reference. This is less than three (3) months prior to the filing of the Statement.

We respectfully request the fee of ~~\$180.00~~ be credited to our Deposit Account No. 50-1775.

Adjustment date: 01/26/2006 EEKUBAY1  
12/15/2005 NPETERSO 00000001 501775 10008472  
01 FC:1806 180.00 CR

Respectfully Submitted,

Dated: January 11, 2006

By:

*James V. Lilly*

James V. Lilly, Reg. No. 27,817

Customer No. 33072

Phone: 651-275-9844

Facsimile: 651-351-2954

23337

KAYAN BINDER, PLLC  
Suite 200, Maple Island Building  
221 Main Street North  
Stillwater MN 55082

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## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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<b>Serial No.:</b> 10/008,472	<b>Group Art Unit:</b> 2674
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Mary C. Deutsch  
Mary C. Deutsch

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Dear Sir/Madam:

Pursuant to the duty of disclosure imposed by 37 C.F.R. § 1.56 and in accordance with the provisions of 37 C.F.R. §§ 1.97, 1.98 and the Manual of Patent Examining Procedure 609, Applicants bring to the attention of the Examiner the following information. The Examiner's independent and thorough review of this information is solicited.

Attached hereto please find Form PTO-1449 listing the cited references. Copies of the cited references are also enclosed. The Examiner is requested to indicate consideration of each reference by initialing in the appropriate box for each reference, and returning an initialed copy with the next Official Action.

This Supplemental Information Disclosure Statement is filed pursuant to 37 C.F.R. § 1.56 to bring to the Examiner's attention those references which may be material to the Examiner for examination of this case. However, the citation of the above references in this Supplemental Information Disclosure Statement is not intended to constitute an admission that any patent or other reference referred to herein is "prior art" for this invention. In this regard, Applicants expressly reserve the right to contest that any of the references constitute "prior art."

Under 37 C.F.R. § 1.97(e)(1), I hereby certify that each item of information contained in this Supplemental Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement. Accordingly, no fee is believed to be necessary for the consideration of this Supplemental Information Disclosure Statement. However, if any fee is determined to be required, please charge the appropriate fee to the Kagan Binder Deposit Account No. 50-1775 and notify us of the same.

Respectfully Submitted,

Dated: December 6, 2005

By: James V. Lilly  
James V. Lilly, Reg. No. 27,817  
Customer No. 33072  
Phone: (651) 275-9844  
Fax: (651) 351-2954

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**Austrian Patent Office**  
**Service and Information Center**  
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To

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51 Bras Basah Road #04-01  
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SINGAPORE 189554

Date of mailing:

22. Sep. 2005

**Applicant**  
**LIFESCAN, INC. (US)**

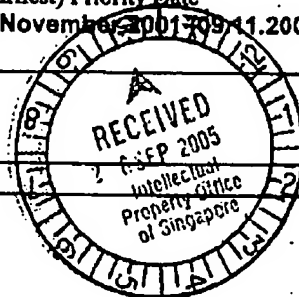
**Application No.**  
**200206742-9**

**Filing Date**  
**7 November 2002 (07.11.2002)**

**(Earliest) Priority Date**  
**9 November 2001 (09.11.2001)**

**International Patent Classification (IPC')**

**G06F 3/023**



Please find enclosed the

- ☐ **SEARCH REPORT**
- ☐ **EXAMINATION REPORT**
- ☒ **2. WRITTEN OPINION**

provided by the Austrian Patent Office as Search and Examination Authority according to the Memorandum of Understanding between the Government of Singapore and the Austrian Patent Office (MOU)

Best regards

**AUSTRIAN PATENT OFFICE**  
Service and Information  
Sector TRF

Dr. Koller

**Enclosures:**

- ☐ the search report  
(it is also accompanied by a copy of each prior art document cited in the report)
- ☐ the examination report
- ☒ the 2. written opinion
- ☐ the Registry's copy of the priority application



## Austrian Patent Office

Application No. 200206742-9	Applicant: LIFESCAN, INC. (US)
Filing date 7 November 2002 (07.11.2002)	(Earliest) Priority Date 9 November 2001 (09.11.2001)

### GENERAL OBSERVATIONS

☒ Unity of invention is given.

Consequently, all parts of the application were the subject of examination in establishing this report.

☒ Basis of the opinion:

The 2. written opinion has been drawn on the basis of the application as transmitted with the request; and in consideration of the response to the written opinion dated 24.08.2005; and in consideration of the search report prepared by the Austrian Patent Office, dated 14.12.2004.

☒ The Applicant is thereby INVITED TO REPLY to this opinion within **5** months from the date of the Registrar's letter enclosing the written opinion.

HOW? By submitting a written reply, accompanied where appropriate, by the amendments.

IF NO REPLY IS TRANSMITTED, the examination report will be established on the basis of this written opinion. The Applicant's attention is drawn to the fact that a later submission will be considered not to have been made and will therefore not be taken into account.

AUSTRIAN PATENT OFFICE  
Dresdner Straße 87, A-1200 VIENNA  
Facsimile No. ++431/53424/535

Authorized Officer

**MIHATSEK R.**

Telephone No. ++431/53424/ 571



☐ EXAMINATION REPORT  
☒ 2. WRITTEN OPINION

Application No.  
200206742-9

Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

Date of actual completion of the report / opinion: 31 August 2005 (31.08.2005)

### 1. STATEMENT

Novelty (N)	YES	Claims	4-9
	NO	Claims	1-3,10-12
Inventive step (IS)	YES	Claims	4-9
	NO	Claims	1-3,10-12
Industrial applicability (IA)	YES	Claims	1-12
	NO	Claims	---

### 2. CITATIONS AND EXPLANATIONS

The following documents have been cited in the Search Report:

D1: EP 0397164 B1  
D2: GB 2242047 A  
D3: WO 01/71746 A1  
D4: WO 99/37025 A1.

The written arguments filed in reply to the Written Opinion do not produce a sufficient differentiation to justify novelty respectively inventive step over the prior art cited.

Even after reconsideration no patentable difference could be found especially between the teaching of documents D1 and the present features of claims 1-3 and 10-12.

In contrast to the applicants opinion document D1 discloses essential features of said claims, namely a keypad structure comprising first and a plurality of second keys, first key provided with primary and secondary alphanumeric characters, the later characters being operable upon actuation for selectively display said characters in association of one of the second keys.

It might be true that the present application is aiming and achieving selection of the keys different from the art cited art, however the crucial thing are the presently recited features of the claims and exactly said features, as already stated in the former written opinion, are disclosed in document D1.

Moreover, the applicants' attention is drawn to the fact that especially claims 1 and 10 are of a very general manner. Therefore, lots of documents could be considered a bar as to novelty and inventiveness.

Therefore, the arguments concerning anticipation of claims 1-3 and 10-12, as pointed out in the former Written Opinion still have to be maintained.

It is recommended to express an inventive difference over the cited documents in technical features of a new specification which delimits the application in more concrete terms.

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